

**STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU**

**RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION
CONTRACTORS**

APPROVED MEETING MINUTES

NOVEMBER 12, 2013

In accordance with the Open Meetings Act, Public Act No. 267 of 1976, as amended, the Residential Builders' and Maintenance and Alteration Contractors' Board met on November 12, 2013 at the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, 2501 Woodlake Circle, Second Floor, Room 1, Okemos, Michigan. The Board meeting was called to order by Chairperson Gary August at 9:09 a.m.

ROLL CALL

Present:	Gary August, Chair	Public Member
	James G. Haeussler, Vice Chair	Professional Member
	Jeff Agnew	Professional Member
	John F. Kelly	Professional Member
	Gregory Powell	Professional Member
	Thomas Thelen	Professional Member
	Mark Wahl	Professional Member
	Sidney Browne Jr.	Public Member
Absent:	Colleen Shannon	Public Member
Staff:	Andrew Brisbo	Licensing Director
	Belinda Wright	Licensing Manager
	Janielle Houston	Recording Secretary
	Ann Paruk	Administrative Law Specialist
	Steve Rideout	Assistant Attorney General Representative

ADDITIONS TO OR DELETIONS FROM AGENDA

DELETIONS

PETITIONS

2) Brian C. Dusenbury 21-01-141910 Individual Residential Builder

APPROVAL OF MINUTES FROM AUGUST 13, 2013

MOTION: It was moved by Mr. Agnew and supported by Mr. Wahl to approve the minutes as written from the meeting held August 13, 2013. The motion carried by unanimous vote.

PETITIONS

STEVEN ALAN TOMPKE

MOTION: It was moved by Mr. Browne and supported by Mr. Wahl that, after careful consideration of the written petition for review, and the oral presentation of Mr. Steven Alan Tompke, the Board recommended approving the reinstatement of Individual Residential Builder licensure to Mr. Steven Alan Tompke and waive the prelicensure requirements. The motion carried by unanimous vote.

The Department concurred with the Board's recommendation.

DARRYL ANTHONY PETERSON, JR.

MOTION: It was moved by Mr. Powell and supported by Mr. Kelly that, after careful consideration of the written petition for review, and the oral presentation of Mr. Darryl Anthony Peterson, Jr., the Board recommended to uphold the Department's denial of Maintenance and Alteration Contractor licensure to Mr. Darryl Anthony Peterson, Jr. The basis for the denial was that sufficient evidence was not presented by Mr. Peterson demonstrating Good Moral Character. The motion carried by unanimous vote.

The Department concurred with the Board's recommendation.

HEARING REPORTS

MOTION: It was moved by Mr. Browne and supported by Mr. Haeussler that the Board receive all hearing reports on the agenda. The motion carried by unanimous vote.

KINGSMEN, INC., D/B/A KINGSMEN CONSTRUCTION, LICENSE NO. 21-02-201853, 2405 SUSPENSION 6-4-2013, EXPIRES 5-31-2014, LANSING, MICHIGAN: COMPLAINT NO. 317831

MOTION: It was moved by Mr. Browne and supported by Mr. Haeussler that the following penalty be assessed: Immediate revocation of licenses; a civil fine in the amount of \$10,000.00 made payable to the State of Michigan, and payment of restitution in the amount of \$9,947.00 payable to Jasmine Trevino, for Complaint No. 317831. The motion carried by majority vote. Mr. Thelen abstained from the vote.

KINGSMEN, INC., D/B/A KINGSMEN CONSTRUCTION, LICENSE NO. 21-02-201853, 2405 SUSPENSION 6-4-2013, EXPIRES 5-31-2014, LANSING, MICHIGAN: COMPLAINT NO. 318617

MOTION: It was moved by Mr. Kelly and supported by Mr. Powell that the following penalty be assessed based on the numerous and severity of offenses: Immediate revocation of licenses; a civil fine in the amount of \$25,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$32,670.00 to Marilyn Ruben, for Complaint No. 318617. The motion carried by majority vote. Mr. Thelen abstained from the vote.

KINGSMEN, INC., D/B/A KINGSMEN CONSTRUCTION, LICENSE NO. 21-02-201853, 2405 SUSPENSION 6-4-2013, EXPIRES 5-31-2014, LANSING, MICHIGAN: COMPLAINT NO. 319209

MOTION: It was moved by Mr. Haeussler and supported by Mr. Wahl that the following penalty be assessed based on abandonment and the numerous and severity of offenses: Immediate revocation of licenses; a civil fine in the amount of \$25,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$2,563.00 to the Keisers, for Complaint No. 319209. The motion carried by majority vote. Mr. Thelen abstained from the vote.

KINGSMEN, INC., D/B/A KINGSMEN CONSTRUCTION, LICENSE NO. 21-02-201853, 2405 SUSPENSION 6-4-2013, EXPIRES 5-31-2014, LANSING, MICHIGAN: COMPLAINT NO. 319952

MOTION: It was moved by Mr. Agnew and supported by Mr. Browne that the following penalty be assessed based on fraud and deceit: Immediate revocation of licenses; a civil fine in the amount of \$30,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$ 1,190.00 to Nicholas V. VanDenBrink, for Complaint No 319952. The motion carried by majority vote. Mr. Thelen abstained from the vote.

UHL CONSTRUCTION, LICENSE NO. 21-02-162565, EXPIRES 5-31-2014, MAYVILLE, MICHIGAN: COMPLAINT NO. 313500 AND WENDELL ROBERT UHL, LICENSE NO. 21-01-143641, EXPIRES 5-31-2014, MAYVILLE, MICHIGAN: COMPLAINT NO. 313501

MOTION: It was moved by Mr. Haeussler and supported by Mr. Kelly that the following penalty be assessed based on the severity of the offenses: Immediate revocation of licenses; a civil fine in the amount of \$20,000.00 made payable to the State of Michigan and satisfaction of the judgment entered on March 25, 2009 in the 29th Circuit Court in Gratiot County,

Michigan, Case No. 08-11130-CZ, for Complaint Nos. 313500 and 313501. The motion carried by unanimous vote.

BROCK ADAM YOST, LICENSE NO. 21-01-201230, EXPIRES 5-31-2014, THREE RIVERS, MICHIGAN: COMPLAINT NO. 318542

MOTION: It was moved by Mr. Browne and supported by Mr. Haeussler that the following penalty be assessed: Immediate suspension of licenses; a civil fine in the amount of \$10,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$20,950.00 to Kevin and Malia Allgaier, for Complaint No. 318542. Respondent's licenses shall remain suspended until the civil fine and restitution have been paid in full. The motion carried by unanimous vote.

OTONIEL MENDIOLA GARZA, LICENSE NO. 21-01-145576, EXPIRES 5-31-2014, HOLLAND, MICHIGAN: COMPLAINT NO. 319150

MOTION: It was moved by Mr. Haeussler and supported by Mr. Agnew that the following penalty be assessed: Immediate revocation of licenses; a civil fine in the amount of \$5,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$7,500.00 to Ruth Cantu, for Complaint No. 319150. The motion carried by unanimous vote.

MICHAEL EUGENE ZAENGLEIN, LICENSE NO. 21-01-122505, EXPIRED 5-31-2011, GRAND RAPIDS, MICHIGAN: COMPLAINT NO. 316157

MOTION: It was moved by Mr. Kelly and supported by Mr. Wahl that the following penalty be assessed: Immediate revocation of licenses; a civil fine in the amount of \$5,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$7,000.00 to Michael Hall, for Complaint No. 316157. The motion carried by unanimous vote.

JASON EDWARD AURAND, D/B/A JASON'S HOME IMPROVEMENT CONSTRUCTION AND REMODELING, LICENSE NO. 21-01-180116, EXPIRES 5-31-2014, WATERFORD, MICHIGAN: COMPLAINT NO. 319151

MOTION: It was moved by Mr. Haeussler and supported by Mr. Powell that the following penalty be assessed based on the severity of the offense: Immediate revocation of licenses; a civil fine in the amount of \$5,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$3,000.00 to Shonagh Leonard, for Complaint No. 319151. The motion carried by unanimous vote.

JASON BRADLEY IVES, D/B/A NORTH COUNTRY CONSTRUCTION, LICENSE NO. 21-01-161433, REVOKED 2-21-2013, EXPIRED 5-31-2011, BARK RIVER, MICHIGAN: COMPLAINT NO. 318085

MOTION: It was moved by Mr. Browne and supported by Mr. Kelly that the following penalty be assessed based on the numerous offenses: Continued revocation of licenses; a civil fine in the amount of \$5,000.00 made payable to the State of Michigan for Complaint No. 318085. The motion carried by unanimous vote.

JASON BRADLEY IVES, D/B/A NORTH COUNTRY CONSTRUCTION, LICENSE NO. 21-01-161433, REVOKED 2-21-2013, EXPIRED 5-31-2011, BARK RIVER, MICHIGAN: COMPLAINT NO. 318614

MOTION: It was moved by Mr. Brown and supported by Mr. Haeussler that the following penalty be assessed based on the numerous and severity of offenses: Continued revocation of licenses; a civil fine in the amount of \$5,000.00 made payable to the State of Michigan, for Complaint No. 318614. The motion carried by unanimous vote.

BRUCE DWIGHT BALDWIN, LICENSE NO. 21-01-029469, EXPIRES 5-31-2014, METAMORA, MICHIGAN: COMPLAINT NO. 318541

MOTION: It was moved by Mr. Browne and supported by Mr. Wahl that the following penalty be assessed: A civil fine in the amount of \$250.00 made payable to the State of Michigan within ninety (90) days from the date of mailing of the Final Order for Complaint No. 318541. If the civil fine is not paid within ninety (90) days from the date of mailing of the Final Order, then Respondent's license shall be suspended until the civil fine has been paid in full. The motion carried by unanimous vote.

MATTHEW PAUL VESTAL, D/B/A VESTAL BUILDERS, LICENSE NO. 21-01-186142, REVOKED 7-25-2013, EXPIRES 5-31-2014, LAWTON, MICHIGAN: COMPLAINT NO. 318718

MOTION: It was moved by Mr. Haeussler and supported by Mr. Browne that the following penalty be assessed: Continued revocation of licenses; a civil fine in the amount of \$10,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$5,022.50 to George and Alta Daleiden, for Complaint No. 318718. The motion carried by unanimous vote.

DAVID KEITH ACHA, LICENSE NO. 21-01-086151, EXPIRES 5-31-2014, INTERLOCHEN, MICHIGAN: COMPLAINT NO. 319067

MOTION: It was moved by Mr. Agnew and supported by Mr. Powell that the following penalty be assessed based fraudulent activity: Immediate revocation of licenses; a civil fine in the amount of \$5,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$6,144.00 to Kevin Canepa, for Complaint No. 319067. The motion carried by unanimous vote.

EBS HOMES, INC., LICENSE NO. 21-02-187530, EXPIRES 5-31-2014, JACKSON, MICHIGAN: COMPLAINT NO. 319606

MOTION: It was moved by Mr. Haeussler and supported by Mr. Kelly that the following penalty be assessed: Immediate revocation of licenses; a civil fine in the amount of \$5,000.00 made payable to the State of Michigan and payment of restitution in the amount of \$3,000.00, for Complaint No. 319606. The motion carried by unanimous vote.

STIPULATIONS

OLIVER J. WENDT, LICENSE NO. 21-01-157354, EXPIRES 5-31-2014, ADRIAN, MICHIGAN: COMPLAINT NO. 302595

MOTION: It was moved by Mr. Agnew and supported by Mr. Browne to accept the Stipulation as prepared for Complaint No. 302595. The motion carried by majority vote. Mr. Haeussler abstained from the vote.

STEVEN J. REINKE, LICENSE NO. 21-01-127501, EXPIRES 5-31-2014, BANCROFT, MICHIGAN: COMPLAINT NO. 317748

MOTION: It was moved by Mr. Powell and supported by Mr. Browne to accept the Stipulation as prepared for Complaint No. 317748. The motion carried by unanimous vote.

TOM'S POLE BUILDING'S, INCORPORATED, THOMAS F. WEHRLY, Q.O., LICENSE NO. 21-02-144694, EXPIRED 5-31-2011, HARRISON, MICHIGAN: COMPLAINT NO. 317827 AND THOMAS F. WEHRLY, LICENSE NO. 21-01-079988, EXPIRES 5-31-2014, HARRISON, MICHIGAN: COMPLAINT NO. 317828

MOTION: It was moved by Mr. Powell and supported by Mr. Browne to accept the Stipulation as prepared for Complaint Nos. 317827 and 317828. The motion carried by unanimous vote.

CASTLE BROTHERS, INC., ROBERT MICHAEL MADASKI, QUALIFYING OFFICER, LICENSE NO. 21-02-112012, EXPIRES 5-31-2014, LA SALLE, MICHIGAN: COMPLAINT NO. 318371 AND ROBERT MICHAEL MADASKI, LICENSE NO. 21-01-083186, EXPIRES 5-31-2014, LA SALLE, MICHIGAN: COMPLAINT NO. 318372

MOTION: It was moved by Mr. Powell and supported by Mr. Browne to accept the Stipulation as prepared for Complaint Nos. 318371 and 318372. The motion carried by unanimous vote.

DOUGLAS ALAN MIEDEMA, LICENSE NO. 21-01-183211, EXPIRES 5-31-2014, JENISON, MICHIGAN: COMPLAINT NO. 319203

MOTION: It was moved by Mr. Powell and supported by Mr. Browne to accept the Stipulation as prepared for Complaint No. 319203. The motion carried by unanimous vote.

JOHN RICHARD GETZLOFF, D/B/A GETZLOFF CONCRETE CONSTRUCTION, LICENSE NO. 21-01-174318, EXPIRES 5-31-2014, SPALDING, MICHIGAN: COMPLAINT NO. 318094

MOTION: It was moved by Mr. Powell and supported by Mr. Browne to accept the Stipulation as prepared for Complaint No. 318094. The motion carried by unanimous vote.

MR. BID SERVICES, LLC, RANDY ERIC BIDLOFSKY, QUALIFYING OFFICER, LICENSE NO. 21-02-203428, EXPIRES 5-31-2015, KEEGO HARBOR, MICHIGAN: COMPLAINT NO. 319864 AND RANDY ERIC BIDLOFSKI, LICENSE NO. 21-01-137749, EXPIRES 5-31-2014, KEEGO HARBOR, MICHIGAN: COMPLAINT NO. 319865

MOTION: It was moved by Mr. Powell and supported by Mr. Browne to accept the Stipulation as prepared for Complaint Nos. 319864 and 319865. The motion carried by unanimous vote.

APPROVAL OF 2014 MEETING SCHEDULE

Tuesday, February 11, 2014
Tuesday, May 13, 2014
Tuesday, August 12, 2014
Tuesday, November 18, 2014

MOTION: It was moved by Mr. Powell and supported by Mr. Browne to approve the 2014 meeting schedule. The motion carried by unanimous vote.

ELECTION OF OFFICERS

CHAIRPERSON

MOTION: It was moved by Mr. Browne and supported by Mr. Agnew to elect Mr. Gary August as Chairperson. The motion carried by unanimous vote.

VICE CHAIRPERSON

MOTION: It was moved by Mr. Powell and supported by Mr. Wahl to elect Mr. Sidney Browne, Jr. as Vice Chairperson. The motion carried by unanimous vote.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS OR DEPARTMENT

NONE

ITEMS FOR CONSIDERATION FROM VISITORS

NONE

NEXT MEETING DATE

The next regularly scheduled meeting of the Residential Builders' and Maintenance and Alteration Contractors' Board will be held on February 11, 2014, Room 1, at 9:00 a.m.

ADJOURNMENT

MOTION: It was moved by Mr. Browne and supported by Mr. Agnew to adjourn at 11:30 a.m. The motion carried by unanimous vote.

/S/ _____
Chairperson
Gary August

/S/ _____
Recording Secretary
Janielle Houston

2-11-2014 _____
Date